

REMARKS

Claims 1, 5-10, and 14-17 have been amended. New claim 18 has been added. Support for these amendments may be found at least from line 24 on page 6 to line 7 on page 8 of the Patent Application. No new matter has been added. Thus, claims 1-18 are pending in the present application.

Claims 1-2, 5-9, 10-11, and 14-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ament (U.S. Patent Application Publication No. 2004/0105436) in view of Bender (U.S. Patent No. 6,366,779). Claims 3-4 and 12-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ament in view of Bender and further in view of Buford (U.S. Patent No. 5,945,948). Pursuant to the amendments set forth herein, the rejections are respectfully traversed.

Independent claim 1 sets forth accessing, in response to a request for a service, information indicative of a potential delay in accessing the requested service. Claim 1 also sets forth transmitting at least one message including information indicative of an estimated delay length associated with accessing the service. Independent claim 10 sets forth receiving at least one message comprising information indicative of an estimated delay length associated with accessing the service. The estimated delay length in claims 1 and 10 is determined based on the information indicative of the potential delay and previously collected information indicative of delay(s) in accessing the requested service.

A finding of obviousness under 35 U.S.C. § 103 requires a determination of the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed subject matter and the prior art, and whether the differences are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the

invention was made. *Graham v. John Deere Co.*, 148 USPQ 459 (U.S. S.Ct. 1966). To determine whether the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made, one should determine whether the prior art reference (or references when combined) teach or suggest all the claim limitations. Furthermore, it is necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have combined the prior art references in the manner set forth in the claims. The required reason may be provided by some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Thus, the absence of a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings may be evidence that the claims are not obvious.

Ament describes an application 8 that sends a resource request 9 to a resource manager 1 to request access to a bus. The resource manager 1 acknowledges the request to the application 8 and transmits an identifier for the service and information regarding whether the request was successful and the length of the waiting times for the service. See Ament, paragraphs [0042-0043]. A resource conflict arises when the requested resource has already been engaged, in which case the resource manager 1 may reject the request for a resource, *e.g.* based on the relative priorities of the requesting applications. See Ament, paragraphs [0021].

However, Ament does not describe or suggest utilizing any previously collected delay information to determine the length of the waiting times for the service. Thus, Applicants respectfully submit that Ament fails to teach or suggest determining an estimated delay length based on information indicative of the potential delay and previously collected information

indicative of at least one delay in accessing the requested service, as set forth in independent claims 1 and 10. Furthermore, Applicants respectfully submit that Ament fails to teach or suggest determining at least one pattern associated with the potential delay in accessing the requested service, as set forth in claim 6.

Bender describes open loop networks and Buford describes autonomous service requests. However, neither of the secondary references remedies the fundamental deficiencies in Ament. In particular, these references also fail to teach or suggest determining an estimated delay length based on information indicative of the potential delay and previously collected information indicative of at least one delay in accessing the requested service, as set forth in independent claims 1 and 10. Bender and Buford also fail to teach or suggest determining at least one pattern associated with the potential delay in accessing the requested service, as set forth in claim 6.

Applicants therefore respectfully submit that the cited references fail to teach or suggest all the limitations set forth in the pending claims. Applicants further submit that neither the cited references nor the Examiner has provided any reason why a person of ordinary skill in the art would be motivated to modify the prior art of record to arrive at the invention set forth in the pending claims. To the contrary, the cited references are all completely silent with regard to any need for, or benefit to, estimating delay lengths using previously collected delay information, such as delay patterns that are determined using information associated with previous service requests, as set forth in claim 7.

For at least the aforementioned reasons, Applicants respectfully submit that the pending claims are not obvious over Ament, Bender, and Buford, either alone or in combination. Applicants respectfully request that the Examiner's rejections of claims 1-17 under 35 U.S.C. § 103(a) be withdrawn. Furthermore, Applicants respectfully submit that claim 18 depends from

independent claim 10 and is therefore allowable for at least the reasons discussed above with regard to claim 10.

The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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